

## **EXHIBIT 3**

## 30(b)(6) DEPOSITION OF DRAPER CITY POLICE

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1                               IN THE UNITED STATES DISTRICT COURT  
2                               FOR THE DISTRICT OF UTAH, CENTRAL DIVISION  
3                               -ooOoo-

4       JOSHUA CHATWIN,                               : CIVIL NO. 2:14-cv-375  
5                               Plaintiff,                               : 30(b)(6) DEPOSITION OF:  
6       v.   : DRAPER CITY POLICE  
7   : REPRESENTED BY DEPUTY  
8       DRAPER CITY; DRAPER CITY                   : POLICE CHIEF JOHN EINING  
9       POLICE DEPARTMENT;                       : TAKEN: December 8, 2015  
10      OFFICER J. PATTERSON, in                   : Judge Dale A. Kimball  
11      his individual and                               :                                 
12      official capacity;                               :                                 
13      OFFICER HEATHER BAUGH,                       :                                 
14      in her individual and                               :                                 
15      official capacity;                               :                                 
16      OFFICER DAVID HARRIS, in                       :                                 
17      his individual and                               :                                 
18      official capacity;                               :                                 
19      OFFICER KURT IMIG, in                               :                                 
20      his individual capacity;                       :                                 
21      SUPERVISOR TBA; and JOHN                       :                                 
22      DOES 1-10,                                       :                                 
23                               Defendants.                               :                                 
24                               -----  
25   :                               

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30(b)(6) Deposition of DRAPER CITY POLICE,  
represented by Deputy Police Chief John Eining, taken  
on behalf of the plaintiff, at 201 South Main Street,  
Suite 1300, Salt Lake City, Utah, before PHOEBE S.  
MOORHEAD, Certified Shorthand Reporter for the State  
of Utah, pursuant to Notice.

1     there any information that we've requested in that  
2     amended notice that is not known or reasonably available  
3     to Draper City?

4             MR. HAMILTON: And before the witness answers,  
5     I think this is as good a time as any to state that we  
6     have filed formal objections. We sent a meet and confer  
7     letter with you. So subject to those objections, he's  
8     here to testify. But we did have some issues, as you  
9     know, with the -- even the amended notice. So -- but  
10    he's ready to testify, subject to those objections.

11    BY MS. MARCY:

12            Q. Okay. So what I'm asking -- I'm asking you.  
13    All right? So your attorney has made the objection.

14            What I'm asking is: Is there anything in the  
15    amended notice, any of these questions, where you read  
16    the question, and you feel like there's anything that is  
17    not known to Draper City or was not reasonably available  
18    to Draper City to provide today?

19            MR. HAMILTON: Objection. Form.

20            THE WITNESS: Okay. So I do believe that  
21    there is probably some documentation in the earlier  
22    years that we did not have and could not produce, based  
23    on the fact that we had a change in our training  
24    coordinators at the time.

25            ///

1 BY MS. MARCY:

2 Q. Okay. So let's talk about that, then. When  
3 you say there's some information that was not available  
4 to Draper City, what is that information?

5 A. Well, I think, specifically, what I'm saying  
6 is that we didn't have all of the training records from,  
7 like, 2005. I don't know, specifically, every year  
8 after that that we did provide in later years. For  
9 example, in the training calendar, specifically, you  
10 don't have them for the earlier years, but you do have  
11 them, I think, from -- I believe from 2011 to 2015, so  
12 that would be an example of one thing.

13 Specific training outlines are probably not  
14 there, also, for 2005 to 2010.

15 Q. Specific training outlines?

16 A. Or 2009.

17 Q. Is that what you said?

18 A. Yes.

19 Q. What's that?

20 A. So you'll see that from 2011 -- actually, from  
21 2010 to 2015, you'll have, for example, a defensive  
22 tactic outline, things that were covered during the  
23 defensive tactic training.

24 Q. What else is -- is missing?

25 A. I can't think of anything else off the top of

1 my head.

2 Q. So where are they?

3 A. I don't know.

4 Q. Do you know -- does Draper City know what  
5 happened to them?

6 A. No.

7 Q. Does Draper -- has Draper City -- meaning the  
8 police department part of Draper City -- have they lost  
9 records before?

10 A. No. Not that I'm aware of.

11 Q. Did Draper City keep these records from 2005  
12 forward on computers?

13 A. No. Well, it -- so let's be more specific.  
14 From -- it depends on what records you're talking about.  
15 There are some records from that time period that have  
16 been kept on computers; others from that time period  
17 were kept in a hard copy. And those records, whether or  
18 not -- for whatever reason, those records are not there,  
19 whether or not they've been purged, whether or not  
20 they've been cleaned, whatever the system that they used  
21 back in 2005, we just -- we cannot find those records.

22 Q. And when you say -- well, so what is the  
23 system that they use to take care of these records? You  
24 said -- well, that's a bad question. When you said  
25 "purge," what do you mean, "purge"?

1           A. Again, when I say that, I'm speculating on  
2 what could have happened to those records. I'm not  
3 saying that's what happened to those records. I'm just  
4 saying that you're talking about records that go back  
5 ten years. I'm not sure how they stored those records  
6 or how long that they intended to even keep those  
7 records.

8           Q. Does Draper City have a policy on document  
9 retention?

10          A. Not for training records.

11          Q. What about any other records?

12          A. We have policy on retention for case reports,  
13 evidence, video cameras, all those type of things.

14          Q. How long are those documents kept?

15               MR. HAMILTON: Objection. Form.

16 BY MS. MARCY:

17          Q. Go ahead.

18          A. Those documents are kept dependent on what the  
19 case is. For misdemeanors, we might keep them up to  
20 five years; for a felony, serious felony, homicides, we  
21 keep indefinitely.

22               I think our standard policy right now for just  
23 basic body camera video on an incident that's not on a  
24 crime-related, it could be just an informational  
25 exchange between police officers, I think we're keeping

1 those for about 180 days right now.

2 Q. So why doesn't Draper City keep the training  
3 records?

4 MR. HAMILTON: Objection. Form.

5 THE WITNESS: Why didn't they keep the  
6 training records?

7 BY MS. MARCY:

8 Q. Why didn't they?

9 A. I don't know.

10 Q. Does Draper City keep the training records  
11 now?

12 A. Yes. I --

13 Q. When did -- I'm sorry. See? I talked over  
14 you. Sorry.

15 A. It's okay.

16 Q. When did Draper City start keeping the  
17 training records?

18 A. Well, what I can tell you is what we've been  
19 able to produce for you. So any training records that  
20 you have is when they -- obviously had those training  
21 records kept for you.

22 Q. I noticed in the documents -- and it's part of  
23 what's been in the exhibits -- like for instance, it  
24 looks like -- I'm just trying to see if that's what  
25 you're referring to. It looks like when we had Exhibit

1 stamps number" -- and it says, "156 to 598." Do you see  
2 that?

3 A. No.

4 Q. Okay. It's on --

5 A. Where are you at? Are you just on the next  
6 page?

7 Q. Right.

8 A. Under the "Responses"?

9 Q. Right.

10 A. Okay.

11 Q. Okay. So Draper City 156 to 598, with a  
12 couple of extra pages on the end, is Exhibit 3 right  
13 there.

14 A. Okay.

15 Q. All right? See how it starts there with 156?

16 A. Okay.

17 Q. Okay. Will you show me in that document --  
18 it's not a document -- but show me in Exhibit 3 where  
19 the records are that reference 2010.

20 A. You want me to go through the entire document  
21 and show you where it talks about our policies -- let me  
22 see what you're saying here. So you would like me to go  
23 through this document and show you everything in here  
24 that is in relation to use of force, including excessive  
25 force, for Draper City police officers for a time period



1 of 2005 to 2010?

2 Q. Right. What I'm not clear on is this -- we  
3 started this conversation talking about -- when I asked  
4 you questions, I asked you if there was some information  
5 that I requested in the amended notice that is not known  
6 or reasonably available to Draper City. And I believe  
7 you were talking -- you answered -- in part of your  
8 answer, you were talking about there were some records  
9 missing in 2010 but that you did provide some. Does  
10 that sound like a fair --

11 MR. HAMILTON: Objection. Form.

12 THE WITNESS: Basically, yes. I think your --  
13 what I'm saying is going back to 2005, which this asks  
14 for in Interrogatory No. 2, you wanted to identify all  
15 customs, procedures, and training on the use of force,  
16 going back to 2005 to 2010.

17 What I was telling you is that back in 2005,  
18 we didn't have certain records that we later did  
19 produce. For example, back in 2005, I don't have -- as  
20 you see on the top of Exhibit 3, it says, "2011 Monthly  
21 Training Calendar." I don't have that for you  
22 for 2005. I didn't have that documentation.

23 Q. 2005 or 2010?

24 A. I didn't have it for 2005. That would be an  
25 example of one of the things that we weren't able to

1 produce for you.

2 Q. All right. So --

3 A. And in addition to that, as you can see, as  
4 you go through this document, 2003 [sic], just off the  
5 top, the first thing you have is a monthly training  
6 calendar. I think the next thing you might have here is  
7 the defensive tactic department training that is dated  
8 April 12th and 19th of 2011.

9 I don't believe I was able to produce anything  
10 for the years of 2005 that would be similar that we  
11 produced for you in 2011. So that was just an example  
12 of some of the things I was telling you that we weren't  
13 able to necessarily find going back to those earlier  
14 years.

15 Q. Well, let's keep looking at Exhibit 3. So it  
16 looks -- so 2010. And then there's some documents if  
17 you turn to -- 175, it's got 2012. Are the documents  
18 that are behind all of these dates, do they correspond  
19 with that day? For instance, with 175, when it talks  
20 about 2012; and then after 175, it goes into when  
21 it's -- the numbers like 176, 177, and so on, are those  
22 also 2012 documents?

23 A. I think they're the same document. You just  
24 start it on 175. I don't think -- I think they're all  
25 the same training outline. So I'm looking at this

1 really quick. So it looks like, to me, that 175 to 180  
2 is all the same document.

3 Q. So what -- so what year is 181?

4 A. It looks like -- 181 -- this looks like it  
5 is -- this looks like the 2010 policy, if I'm looking at  
6 this correctly.

7 Q. 181 is the 2010 policy?

8 A. Starting on page 180, this looks like the  
9 policy from 2010. Or it could be 2011 or 2012, because  
10 I think they're all the same. And maybe even back. I  
11 have to take a look at 2009. I'm not sure. What's the  
12 date on the bottom? It's not there. But this would  
13 have been that earlier policy, prior to going to Lexipol  
14 in, I think, 2013.

15 Q. All right. So how do you -- how do you know  
16 that -- starting with 180, that that is 2010?

17 A. Well, like I said, it looks like the policy  
18 that I have read from 2010. It's probably the same  
19 policy, because I don't believe it changed in 2011 to  
20 2012. And it probably was -- and I'm guessing here,  
21 because I haven't verified this, and I don't remember  
22 exactly -- it was probably the same policy that was in  
23 effect prior to 2010, also.

24 Q. How do you know, as a designee, that it's the  
25 same policy --

1 MS. MARCY: We're not in a category. I'm  
2 still doing the preliminary questions.

3 MR. HAMILTON: Okay.

4 THE WITNESS: So from 2010 to 2015, I'm not  
5 certain of anything that is missing without going  
6 through these specifically again. I'm not certain if  
7 anything is missing. I think we answered in 2010 to  
8 2015 all of your interrogatories. I think it's all  
9 there.

10 What I was saying is that from 2005 to 2010,  
11 there were some documents that we believe are missing,  
12 based on what information we have from 2010 to 2015.  
13 And as we compare that from 2005 to 2010, we find that  
14 we don't have the same documentation. So whether those  
15 documents are missing, or those documents were never  
16 produced, I don't know. I just know it's not as  
17 complete in those early years as it was in the latter  
18 years.

19 MS. MARCY: Okay. Objection to the answer.  
20 It's nonresponsive to the question. That's one of the  
21 things I have to say.

22 BY MS. MARCY:

23 Q. All right. So -- and when you -- I noted you  
24 said at the beginning -- I thought you said you produced  
25 everything in 2010 to 2015; and then I heard you say

1 I just want to make sure that these are -- where's  
2 this --

3 This might be -- can we take a break? Can we  
4 take a break?

5 MS. MARCY: Sure. That's probably a good  
6 idea.

7 MR. HAMILTON: Do you want to go talk?

8 THE WITNESS: Yeah. Let's go talk. I'll take  
9 my book with me.

10 (A recess was taken from 10:09 a.m. to  
11 10:19 a.m.)

12 BY MS. MARCY:

13 Q. All right. So I believe the pending question  
14 was: What are the policies on the use of force for  
15 2010? Right?

16 A. Right.

17 Q. Okay. What are they?

18 A. So do you want me to just go -- so I have in  
19 front of me the policy for 2010. It starts with the  
20 heading -- the first heading is "Use of Force." It just  
21 goes to a basic explanation of what the department's  
22 stance is on the use of force. Then it goes into deadly  
23 force, statutory authority, justification to use deadly  
24 force; and then it goes into use of force other than  
25 deadly force, statutory guidelines; and then it goes and

1 BY MS. MARCY:

2 Q. So -- so are you -- are you -- I just want to  
3 clarify. So you're saying this mirrors the language --  
4 when I say "this," Exhibit 180 [sic] through --

5 A. No. So page 180 --

6 Q. Okay.

7 A. That looks like -- even going to page 181 --  
8 is -- looks like it's been copied and pasted from the  
9 policy manual.

10 Q. I see.

11 A. And then the others -- then starting 182,  
12 there's different things there from other areas of the  
13 policy manual.

14 Q. All right. So 180 through 181 are from the  
15 policies in 2010. And you said this looks like it was  
16 used for training?

17 A. Yes. I think so. Yes.

18 Q. All right. So let's -- let's talk about  
19 training, then. So I'm going to ask you the same  
20 question that I asked you about policies, but just --  
21 and procedures -- but just reference it as far as  
22 training.

23 So what -- what is the training -- what was  
24 the training for the Draper City Police Department for  
25 the use of force in 2010?

1           A. I think -- specifically, I think there's a  
2 training -- you have the training outline that we just  
3 talked about in 180 to --

4           Q. I'm sorry. 180 to --

5           A. 180 to -- I think this is all related to use  
6 of force. Maybe just 180 to 181 or 182. So you have  
7 that training outline that's before you on those  
8 particular dates. Now, the specific -- tell me what  
9 your question was again. You want all the use of force  
10 training?

11          Q. Right. Training -- training on the use of  
12 force in 2010.

13          A. So there's somewhere -- there's a training  
14 outline -- there's a training calendar, I think, from  
15 2010 that outlined what training occurred on what dates.  
16 I would have to look at that to tell you, specifically,  
17 in that year what training occurred. Do I have that?

18               I have it for 2011. So this is what I would  
19 be looking for for 2010. I think you have this  
20 somewhere.

21           MS. MARCY: Blake, is that somewhere?

22           THE WITNESS: So that's 2011's training  
23 calendar. And I know there's one for 2010.

24           MR. HAMILTON: There is, but --

25           THE WITNESS: Yeah. "Where?" is the question.

1 In addition to that, I know there's a defensive tactic  
2 outline for 2010, also, somewhere.

3 MS. MARCY: Do you want to go off the record  
4 so you can look at it? We can leave --

5 THE WITNESS: Blake, it's up to you if you  
6 want to go off the record.

7 MR. HAMILTON: No. Let's find this thing.

8 THE WITNESS: I'm finding a lot of other  
9 dates.

10 MR. GIANNA: We're trying to help you, too.

11 THE WITNESS: Well, the electronic version is  
12 much easier to sort through.

13 MS. MARCY: True.

14 THE WITNESS: This here? It's not on here.  
15 This is what you sent to me. I need, specifically --

16 MR. HAMILTON: You're sure there's a 2010?

17 THE WITNESS: I don't know how you have your  
18 documents organized. I don't know. All I know is --

19 MR. GIANNA: It's not a PowerPoint, is it?

20 THE WITNESS: Is this just a copy of this?

21 MR. HAMILTON: Yes.

22 THE WITNESS: I've got in my car, too, all the  
23 notes -- we had specific years and what was included  
24 and --

25 MR. GIANNA: '12, '14. No '10. I'll look at



1 the next volume.

2 MR. HAMILTON: Use your computer. If you  
3 don't have the Bates range, that's fine.

4 THE WITNESS: See if I have it in here. I  
5 can't find it in here either.

6 MS. MARCY: Can we go off the record just for  
7 a second? Just for me to get a cup of coffee.

8 (A recess was taken from 10:38 a.m. to  
9 10:44 a.m.)

10 MS. MARCY: Back on the record. So wait.  
11 Wait. Hold on. So let me just -- let the record  
12 reflect that we've been looking through documents to try  
13 to find 2010 training documents on the use of force.

14 THE WITNESS: There's specifically two  
15 documents that I was looking for. And this  
16 documentation that I'm pretty confident is there -- and  
17 without accessing my computer at the office, it's hard  
18 to find it. So specifically what I was looking for is  
19 this defensive tactics outline and then the yearly  
20 monthly training calendar that would outline everything  
21 that was trained on for 2010.

22 BY MS. MARCY:

23 Q. Do you -- well, let's talk about those, then.  
24 Are you talking about -- when you talk about the  
25 defensive tactic training, are you talking about the

1 monthly defensive tactic training?

2 A. Or yearly, actually.

3 Q. Oh, it's yearly. So that's for 2010?

4 A. Right.

5 Q. And then you're talking about -- the other  
6 document you're talking about is a calendar?

7 A. So for example, on the very top of Exhibit 3,  
8 you have a 2011 monthly training calendar. I'm pretty  
9 sure that there's one somewhere for 2010 that says  
10 similar things. Not the exact training those specific  
11 months, but during the year, you will see that defensive  
12 tactics was trained during the year of 2010, along with  
13 a plethora of other topics that were trained for the  
14 calendar year.

15 So that's the document I can't find in this  
16 stuff.

17 Q. And so where are those documents?

18 A. I think I have them on my computer back at  
19 work. I just went through this last night, so -- I  
20 thought they were here. Everything that I have on my  
21 computer that I was looking at last night has been sent.

22 Q. Okay. Let me -- then let me ask you. I'm  
23 trying to understand this. So if you go back -- again,  
24 we you go back to Exhibit 7 -- that's the "Defendants  
25 Mac Connole and Draper City's Responses to

1 BY MS. MARCY:

2 Q. Okay. What else is similar between the  
3 subjects contained in the 2010 policy and the 2013  
4 policy on the use of force?

5 A. I think there's a "Sergeant Responsibilities"  
6 in both the 2013 -- excuse me -- 2010 and 2013. I  
7 think -- is covered in a different section. I think  
8 that's it.

9 Q. Okay. Now let's talk about what is different  
10 between the policies in 2010 and 2013 on the use of  
11 force. What are the differences?

12 A. So it looks like in 2013, they've added a  
13 policy that talks about duty to intercede. That policy  
14 deals with another officer who witnesses use of force  
15 that might be -- that may not be reasonable, that they  
16 have a duty to intercede and stop that force.

17 Q. Anything else?

18 A. There's a more comprehensive list that talks  
19 about the factors used to determine the reasonableness  
20 of force in 2013, under Section 300.3.2. There's a list  
21 from A to Q.

22 Q. And when you say -- when you say, "more  
23 comprehensive list," where is --

24 A. It's not. These would be the differences.  
25 Let me see if I can find it. I don't know if there's

1 anything -- there might be something in 2013 -- or in  
2 2010. No. I don't think 2010 even addresses that.

3 Q. Addresses the factors contained in 300.3.2?  
4 Is that what you're talking about?

5 A. Yeah. Other than it talked again about using  
6 reasonable force, which is clearly stated in 2010.

7 So in 2013, it talks about "When determining  
8 whether to apply force and evaluating whether an officer  
9 has used reasonable force, a number of factors should be  
10 taken into consideration." And 2010 just pretty much  
11 summarizes that when you use force, it has to be  
12 reasonable in nature.

13 Q. Okay. What else is different, if anything?

14 A. 2013, it touches on pain compliance  
15 techniques, carotid control holds. It has a "Reporting  
16 the Use of Force."

17 Q. Where is that?

18 A. 300.5.

19 Q. Okay.

20 A. I believe in 2010, that was probably covered  
21 in the report section, and not the use of force section.

22 Q. What about 300.5.1? Is that subject the same  
23 in 2013 as in 2010?

24 A. So 300.5.1 is just a notification saying that  
25 "The officer shall notify a supervisor as soon as

1 possible." That is not in 2010.

2 Q. What about 300.4? I don't think we talked  
3 about that. That's on page 1268. Is that the same or  
4 different?

5 A. That's deadly force application. That would  
6 be the same. That would be covered on page 3273.

7 Q. Anything else that is different between the  
8 two policies on the use of force?

9 A. I think in 2013, there's a whole section here  
10 on 300.6, on medical considerations.

11 Q. As it relates to the use of force?

12 A. Yes.

13 Q. All right. Is 300.7 dealing with supervisor  
14 responsibility --

15 A. Yes.

16 Q. I'm sorry. Let me finish. Is that the same  
17 subject matter as in 2010?

18 A. Yes. On page 3275, there's a section there  
19 that talks about sergeant responsibility. Not the same  
20 verbiage.

21 Q. Is it the same subject matter?

22 A. Yes.

23 Q. Does -- the 2010 policy on supervisory  
24 responsibility, does it talk about the fact -- the  
25 broken out Paragraphs A through H?

1 And so Deputy Chief Eining, I think, can tell you what  
2 we found out.

3 MS. MARCY: Okay.

4 THE WITNESS: So I made a phone call to the  
5 administrative sergeant back at the police department  
6 and had him access my case file that I have for this.  
7 And those two documents that I told you I was pretty  
8 confident existed, they're not there. So specifically,  
9 when you talk about the training calendar for 2010, and  
10 then a defensive tactic outline, they're not there for  
11 2010. So I was -- I was wrong on that.

12 MR. HAMILTON: And obviously, if we later find  
13 the documents, we'll make sure we supplement.

14 BY MS. MARCY:

15 Q. Okay. All right. Let's talk about -- on page  
16 6 of the amended notice of the deposition, the topic is:  
17 "The policies, procedures, training practices, and  
18 customs, if any, for providing medical attention for  
19 persons in custody and arrestees." So 15 just asks what  
20 they are.

21 A. So I would reference back to the individual  
22 policy manuals. Because I believe from 2010 to 2015,  
23 there is a section for that. In 2013 to 2015, there's a  
24 medical consideration section in the use of force policy  
25 itself. And the years 2010, 2011, and 2012, while

1 use -- pursuits, there might be something. If somebody  
2 gets hurt in a pursuit, you would need to contact  
3 medical or something along those lines.

4 I'm thinking there's probably going to be  
5 subcategories as you go throughout the policy between  
6 2010 and 2015, that's also going to address medical or  
7 injured people, as opposed to just these two specific  
8 policies that I talked to you about.

9 Q. Okay. Do you know why the policies in 2013  
10 were modified?

11 A. The entire policy manual?

12 Q. No. The one involving -- I'm sorry. Do you  
13 know why the policies involving medical assistance were  
14 modified in 2013?

15 A. Other than they went to Lexipol in 2013, as  
16 opposed to not having it prior to 2013, would probably  
17 be the only reason. The medical is still very  
18 comprehensive through 2010 to 2012, in that if we have  
19 injured people, our response is basically to call  
20 Unified Fire and have them and come and do the  
21 treatment. I mean, that's what we do with injured  
22 people. We have Unified Fire come and respond.

23 Q. So with the -- when you're talking about  
24 Lexipol, is that "Medical Assistance" section part of  
25 the 2013 policy that Lexipol drafted?

1 A. Yes.

2 Q. So what about -- what about training for  
3 police officers? And this is paragraph 16. The  
4 training of police officers -- I mean, you know, how are  
5 they trained to determine whether medical attention is  
6 needed by a potentially injured person in custody?

7 A. So, again, I think as you look at the  
8 different training calendars, you'll see in the training  
9 calendars, there will be first aid that is being taught  
10 as one of the double-back trainings throughout the year.  
11 And as a part of that first aid, what our officers are  
12 being taught is basic first aid and probably CPR.

13 Q. Can you show -- can you tell me the Bates  
14 number page you're referring to?

15 A. I'm looking specifically here. Let me see if  
16 I can find it. I'm looking at the monthly training  
17 calendar of 2011 and just seeing if it's -- what month  
18 that would have been taught. It doesn't occur every  
19 single year. It occurs a lot of the time. I don't see  
20 it in -- oh, yeah. November 1st of 2011.

21 Q. Are you on 159? Page 159?

22 A. Yes. 159.

23 Q. Okay. So can you -- can you tell us about  
24 what that training of the first aid entails?

25 A. Again, it's just basic first aid. So it would



1 be controlling bleeding, opening airways, and CPR.

2 Q. Anything else?

3 A. No.

4 Q. So when you say "controlling bleeding," for  
5 instance, how are the officers taught to control  
6 bleeding?

7 A. Again -- so I -- I guess the way I want to  
8 answer this question is based on my knowledge of how  
9 I've been trained, again. And I'm not so sure that's  
10 exactly what you want to hear as a representative. So  
11 what I'm about to tell you is what I've been trained on,  
12 and what I believe the current first aid practices still  
13 are.

14 So when you talk about controlling bleeding,  
15 it's by direct pressure. It's pressure points. It's  
16 tourniquets, if need be. What I'm telling you  
17 specifically that Draper trains on is first aid,  
18 whatever that encompasses at a basic first aid level.  
19 There is no advanced life support-type training that is  
20 given.

21 Q. What about -- what about if someone loses  
22 consciousness? Is there any training for -- for  
23 providing any type of aid or treatment to someone?

24 A. Other than what falls under the general first  
25 aid umbrella, there is no specific outline or anything

1 in writing that would dictate how to deal with somebody  
2 who has lost consciousness.

3 MS. MARCY: Okay. Give me two minutes. I've  
4 got to get my glasses. I'll be right back. Plus, I  
5 want to show you something.

6 (A recess was taken from 1:46 p.m. to  
7 1:48 p.m.)

8 (Whereupon, Exhibit No. 15 was marked for  
9 identification.)

10 BY MS. MARCY:

11 Q. So Mr. Eining, just take a look at this for a  
12 moment. Have you ever seen anything like this, what  
13 I've marked -- what she's marked as 15, posted on a  
14 wall, like in a break room in Draper City or anything  
15 like that?

16 A. Not that I can recall.

17 Q. So have you ever seen these first aid papers  
18 like this on the walls, where they talk about, you know,  
19 the basic -- like it says at the top, first aid?

20 A. I am not -- I don't remember ever seeing this  
21 page anywhere.

22 Q. I'm not saying that it's at Draper City. I'm  
23 just asking if you've ever seen anything like this in  
24 Draper City. I'm not saying it's this very one. No.  
25 This is an example. In fact, I will proffer it's in our

1 A. Right.

2 Q. All right. Are there -- in 19, I'm asking  
3 here, who are the -- any of the instructors or vendors  
4 who train the police officers every two years in CPR?

5 A. That would be Unified Fire Authority.

6 Q. So it's only Unified Fire?

7 A. Mm-hmm. I believe so.

8 Q. No. 20, where do they do that training?

9 A. I do not know where they do that training. I  
10 don't know if it was at the police department. I don't  
11 know if it was at a fire department bay. I don't know  
12 where they gather for that training.

13 Q. And you said -- but it is every two years?

14 A. The certification is every two years. Now,  
15 sometimes -- I would have to go back and look at all the  
16 different training calendars that I provided you from  
17 2011 to 2015 and see -- I think there's some occasions  
18 where it's been trained every year, first aid. Not  
19 necessarily the CPR portion.

20 It could have been, and I'm not sure -- it  
21 could have been that there was a certification process  
22 each year for those that needed it that particular year.  
23 So what I'm saying is that not everybody in the  
24 department is going to expire at the exact same time.  
25 So maybe every year when they did first aid. And I

1 believe, if I'm remembering correctly, that first aid  
2 was taught every year from 2011 to 2015. And during  
3 that process, there could have been a recertification on  
4 CPR for those that needed it at that time.

5 Q. Okay. And on Exhibit 3, on page 159, where it  
6 talks about first aid, in those two places on November 1  
7 and November 8, are those the certifications you're  
8 talking about?

9 A. I'm not sure that they did CPR in that  
10 particular day, on that first aid training, but they  
11 very well could have under that title of "first aid."

12 Q. And we talked -- we talked -- I think we  
13 talked a little bit about the policies, about medical  
14 assistance, they changed. Any other reason besides the  
15 fact of using Lexipol that they changed?

16 A. No. They -- well, no.

17 Q. What about anybody's desire to make the  
18 policies more comprehensive than the way they were in  
19 2010?

20 A. No. Because you remember, I think one of the  
21 important things is that all medical issues are handled  
22 by somebody else. They're not handled by law  
23 enforcement officers. Law enforcement is just to  
24 monitor and make sure that the patient is still  
25 breathing, the bleeding is controlled, and then wait for